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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,418

11/24/2003

Wesley A. Brush

Brush 113579 cont.

3406

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AT & T- Legal Department - Brendzel  
ATTN: Patent Docketing  
Rm 2A-207  
Bedminster, NJ 07921

EXAMINER

ADDY, THUAN KNOWLIN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

07/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,418	<b>Applicant(s)</b> BRUSH ET AL.	
	<b>Examiner</b> THJUAN K. ADDY	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on April 13, 2009 has been entered. Claim 1 has been amended. Claims 2-15 have been cancelled. Claims 16-21 have been added. Claims 1 and 16-21 are now pending in this application, with claims 1 and 16 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/13/2009 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 19 recites the limitation "the SR3511 protocol" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedlander et al. (US 6,122,363).

6. In regards to claims 1 and 16, Friedlander discloses a method for providing communication service (See col. 4-5 lines 66-12) comprising the steps of: an intelligent peripheral (See Fig. 5A and Transaction Server 504) receiving an alert message (e.g., protocol-specific service request message, See Claim 8, Claim 9, and Claim 11), from a database unit (See Fig. 5A and Communications Server 502) that received a request (e.g., "PROVIDE INSTRUCTIONS"/service request message) from a switch (See Fig. 5A and telecommunications switch 506) to perform a service for a call, which message specifies a communication protocol (for example, the service request message is "protocol-specific") for communication between said database unit and said intelligent peripheral; with reference to a database within said intelligent peripheral, establishing a connection between said database unit and said intelligent peripheral to operate in accord with a protocol pointed to by said protocol parameter, communicating information between said database unit and said intelligent peripheral (See col. 7 lines

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16-27 and col. 8 lines 30-67); and communicating information between a switch and said intelligent peripheral over a bearer connection between them that is established for effecting said service, and associated with said call (See col. 8 lines 1-6).

7. In regards to claim 17, Friedlander discloses the method, where said alert message is devoid of any request to perform any task pertaining to said call (See col. 8 lines 56-67).

8. In regards to claim 18, Friedlander discloses the method, where function of said alert message is solely to establish a protocol (for example, the service request message is “protocol-specific”) between said intelligent processor (e.g., Transaction Server 504) and said control element (e.g., Communications Server 502) (See col. 7 lines 16-27, Claim 8, Claim 9, and Claim 11).

9. In regards to claim 19, Friedlander discloses the method, where said protocol is the SR3511 protocol or an ITU-T protocol (e.g., transactional/single request/response protocol or conversational protocol) (See col. 6 lines 31-33).

10. In regards to claim 20, Friedlander discloses the method, where said bearer connection establishes a communication path from said intelligent processor, via said switch (e.g., telecommunications switch 506), to another party (See col. 8 lines 1-6 and col. 8 lines 30-67).

11. In regards to claim 21, Friedlander discloses the method, where said step of said intelligent peripheral informing (e.g., via a dialog) said control element that the task (e.g., event) was completed is preceded by a step of said intelligent peripheral sending results of said one or more tasks to said control element (See col. 7-8 lines 52-17).

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holzmman (US 5,826,017) teaches an apparatus and method for communicating data between elements of a distributed system using general protocol.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614

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